

### REMARKS

The claims pending in the subject application are 1-19. Reconsideration of this application based on the Remarks presented herein is respectfully requested. The shortened statutory period for response expired on May 3, 2006. Accordingly, a Petition for a One-Month Extension of Time is enclosed. Support for the amendment to claim 19 can be found in paragraph [0085].

### 35 U.S.C. § 103 REJECTIONS

Claims 1-7, 9, 11, 12-14, 17, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,958,144 to Montgomery in view of United States Patent No. 5,611,690 to Summers *et al.*

Summers '690 discloses a tooth whitening bleach that is sprayed onto teeth (Abstract). The combination of Summers '690 with Montgomery '144 would require the tooth bleaching composition of Montgomery '144 to also be sprayed. The claimed method directs an atomized activating composition onto a dental surface. There is no disclosure or suggestion in Summers '690 of using the spray bottle to spray materials other than the tooth whitening bleach. Because there is no disclosure or suggestion of directing an atomized activating composition onto a dental surface, it is respectfully submitted that claims 1-7, 9, 11, 12-14, 17, and 19 are patentable over United States Patent No. 6,958,144 to Montgomery in view of United States Patent No. 5,611,690 to Summers *et al.*

Claims 8, 11, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,958,144 to Montgomery in view of United States Patent No. 5,611,690 to Summers *et al.* as applied to claims 1-13 above, and further in view of United States Patent No. 5,648,064 to Gaffar *et al.* Claims 8, 11, and 18 depend directly or ultimately from claim 1. From above, claim 1 is patentable over the cited references. Because claims 8, 11, and 18 are dependent claims, they are also patentable over the cited references.

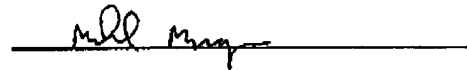
Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,958,144 to Montgomery in view of United States Patent No. 5,611,690 to Summers *et al.* as applied to claims 1-13 above, and further in view of

United States Patent No.6,485,709 to Banerjee *et al.* Claims 15 and 16 ultimately depend from claim 1. From above, claim 1 is patentable over the cited references. Because claims 15 and 16 are dependent claims, they are also patentable over the cited references.

In view of the remarks contained above, Applicants respectfully request reconsideration of the application, withdrawal of the 35 U.S.C. § 103 rejections, and request that a Formal Notice of Allowance be issued for claims 1-19. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

Milanovich *et al.*



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